IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 1752 of 2003
Date of Decision: 12.7.2007

Abul Hussain and others ...Petitioners

Versus

Shri R.S. Gujral and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Vikas Chatrath, Advocate, for the petitioners.

Shri Sidharth Sarup, AAG, Haryana.

HEMANT GUPTA, J.

The writ petition filed by the petitioners was allowed on 14.3.2007, in terms of the earlier judgment of this Court in the case of Man Singh v. State of Haryana (CWP No. 19722 of 1988 decided on 5.7.2002). Man Singh's case was in turn allowed by the Division Bench in terms of **Suraj Bhan and others v. State of Haryana, 2001(1) RSJ 205.** In Suraj Bhan's case, the petitioners, who were the promotees, were held to be entitled to the same pay scale as was granted to the direct recruits. The said judgment became subject matter of challenge before the Supreme Court and the Hon'ble Supreme Court, vide order dated 2.8.2006 allowed the appeal partly. The State was directed to revise the pay scale. In case of any anomaly, if the employees, who on fixation of ACP are in receipt of lesser scale than their juniors in the same cadre, then their salary shall be stepped up accordingly.

In pursuance of the said judgment, the competent

authority has passed an order on 17.4.2007. In the said order, it has been pointed out that the petitioners are getting higher pay scale than their juniors. Therefore, there is no question of stepping up of their pay.

Learned counsel for the petitioners has vehemently argued that in fact, the question of drawing of higher pay by the juniors does not arise in the case of the petitioners as the pay has to be revised in the higher pay scale after granting ACP scale.

The said argument is on the merits of the controversy i.e. whether the pay has been rightly fixed or not. Prima-facie, I do not find that the directions of this Court as modified by the Hon'ble Supreme Court, have in any way, been violated. Since a speaking order has been passed, it is open to the petitioners to challenge the said order, in accordance with law, in appropriate proceedings.

Consequently, I do not find that any case for initiation of contempt proceedings against the respondents is made out. Hence, the present contempt petition is dismissed.

12-07-2007 (HEMANT GUPTA)
ds JUDGE